

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA

Alexandria Division

)
UNITED STATES OF AMERICA)
ex rel. RIBIK,)
)
Plaintiffs,)
)
v.) Civil Action No. 01:09-cv-00013
)
HCR MANORCARE, INC., et al.,)
)
)
Defendants.)

ORDER

This matter comes before the Court on Plaintiff's (1) Motion in Limine to Exclude Testimony of Dr. Arnold Barnett, (2) Motion in Limine to Exclude Testimony of John Stearns, (3) Motion in Limine to Exclude the Testimony of Dr. Bruce Robinson, (4) Motion in Limine to Exclude Testimony of ManorCare Employee Experts, (5) Motion in Limine to Exclude Testimony of Dr. Jennifer Lape, (6) Motion in Limine to Exclude Testimony of Dr. Jennifer Bottomley, and a (7) Motion in Limine to Exclude ManorCare's Expert Renee B. Kinder.

Defendant also brings before the Court a (1) Motion in Limine to Exclude the Report and Testimony of John N. Morris, Ph.D. and Brant E. Fries, Ph.D., (2) a Motion in Limine to Exclude the Reports and Testimony of Marna Bogan and Donald

Edwards, and (3) a Motion in Limine to Exclude the Report and Testimony of Rebecca Clearwater.

The Court finds that Rebecca Clearwater does not have the expertise to testify as to the reasonableness and necessity of the medical treatment the patients received. Her qualifications, at best, would allow her only to testify as to obvious mistakes in the billing. Furthermore, Clearwater is not a medical doctor, an occupational therapist, nor a speech language pathologist and she did not personally examine any of the ManorCare patients. The Court finds her simply not qualified.

The Court also finds that Plaintiff's extrapolation witnesses, Marna Bogan and Donald Edwards, should be excluded. Since Bogan and Edwards reports and testimony are based on evidence from Clearwater, which has now been precluded, their basis for postulation is gone. It is hereby

ORDERED that Defendant's Motion in Limine to Exclude the Report and Testimony of Rebecca Clearwater and Defendant's Motion in Limine to Exclude the Reports and Testimony of Marna Bogan and Donald Edwards are GRANTED. All other Motions in Limine are DENIED WITHOUT PREJUDICE to be raised at the time of trial.

Claude M. Hilton

Alexandria, Virginia
November 6, 2017

CLAUDE M. HILTON
UNITED STATES DISTRICT JUDGE